

REMARKS

Claims 1-11 are current pending in this application. The Examiner rejected claims 1-6 and 8-11 under 35 U.S.C. §102(b) as being anticipated by *Bair* (5,758,543). The Examiner further rejected claims 1 and 7 under 35 U.S.C. §102(b) as being anticipated by *Onoguchi, et al.* (JP 3,134,367). Applicant has amended independent claim 1 to distinguish its invention over the cited references. Applicant believes each of the claims to be allowable now over the cited references.

Specifically, claim 1 now requires "producing a total center of mass for said shifted lever located between said first location and said second location at a third location relative to said pivot, said third location different from said first location in three different dimensions." (Claim 1). This feature is not taught by either *Bair* or *Onoguchi, et al.* Indeed, neither *Bair* nor *Onoguchi, et al.* teach the adjusting of the total center of mass in three different dimensions. Rather, both *Bair* and *Onoguchi, et al.* teach adjusting the total center of mass of the shift lever and counterbalance in only two dimensions, a horizontal dimension and a vertical dimension. In contrast, as claim 1 requires and as Figures 7-9 illustrate, the counterbalance of the present invention adjusts the total center of mass of the shift lever and the counterbalance along the X-axis, the Y-axis and the Z-axis, i.e., three different dimensions. Consequently, claim 1 and its dependents, claims 2-11 are now in condition for allowance.

In addition, Applicant has amended its application to include a new claim. Claim 21 requires "producing a total center of mass for said shift lever located between said first location and said second location at a third location, said third location different from said first location in two different horizontal dimensions." Again, both *Bair* and

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*Onoguchi, et al.* teach only the adjustment of the total center of mass in one horizontal direction, not two different horizontal directions. Therefore, claim 21 is also allowable over the cited references.

Respectfully submitted,

CARLSON, GASKEY & OLDS

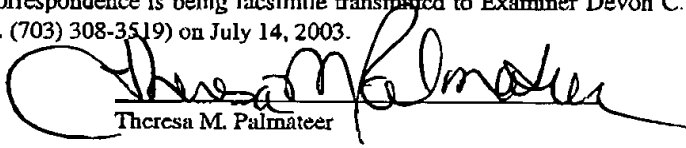
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to Examiner Devon C. Kramer, Patent and Trademark Office (Fax No. (703) 308-3519) on July 14, 2003.

  
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